IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2746 OF 2005

IN

SUIT NO.1057 OF 1997

1.Mrs.Usha D.Shah & another. ...Plaintiffs

vs.

1.Utility Premises Pvt.Ltd.
And another. ...Defendants.

And

1. Ali Redha Ahmed & another. ...Respondents.

Ms.Alpana Ghone i/b. M/s.Kanga & Co., for Plaintiffs.

Mr.V.A.Thorat i/b. Dalal & Co., for Defendant no.2.

CORAM: D.K.DESHMUKH,J.

DATED: 21st April,2007

P.C.:-

. By consent of parties, the notice of motion

is disposed of in the following terms:-

1. The second defendant has filed an affidavit stating that flat no.1101 in Wing “B” on the 11th floor of the building Ansal Heights admeasuring 1600 sq.ft. plinth is reserved against this suit. He states that until further orders of the Court no third party right will be created in that flat. There is already an order of temporary injunction made by this Court restraining the defendant no.2 from creating third party rights in the flat on 11th floor of the building. It is clarified that the interim order will operate in relation to flat no.1101 in wing “B” of the building Ansal Heights on the 11th floor, subject to the condition that within a period of two weeks from today, the plaintiffs deposit in this Court an amount of Rs.56,00,000/- (Rupees Fifty six lakhs only) with due intimation to the second defendant.

2. On the amount being deposited, it shall be invested in fixed deposit in a nationalised bank by the Prothonotary and Sr.Master of this Court to the credit of this suit.

3. In that event the plaintiffs shall be entitled to take a notice of motion seeking further interim reliefs.

4. In case the plaintiffs fail to deposit the amount within the aforesaid period, all interim orders that may have been passed by this Court in this suit and which are presently operating shall automatically cease to operate.